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Attorney for Defendant
CYNTHIA SEELEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:20-CR-0202 WBS
)	
Plaintiff,)	
)	STIPULATION AND ORDER
vs.)	CONTINUING STATUS CONFERENCE
)	AND EXCLUDING TIME
CYNTHIA SEELEY,)	
)	
Defendant.)	Judge: Hon. William B. Shubb
)	Date: October 31, 2022
)	Time: 9:00 a.m.
)	

Plaintiff, United States of America, by and through its
counsel of record, and defendant, by and through her counsel of
record, hereby stipulate as follows:

1. By previous order, this matter was set for status
conference on October 31, 2022.

2. By this stipulation, defendant moves to continue the
status conference to January 9, 2023, and to exclude time
between October 31, 2022, and January 9, 2023, under Local Code
T4.

1 3. The parties agree and stipulate, and request that the
2 Court find the following:

3 a) Defense counsel requests additional time to conduct
4 defense investigation and to allow the government to review
5 and discuss evidence he provided on September 16 and
6 October 24, 2022, which he believes is relevant to the
7 resolution of this case. The parties anticipate that the
8 government will have questions for the defense about the
9 recently produced evidence that will require additional
10 defense investigation or follow-up. Once any additional
11 follow-up has been completed and defense counsel has
12 conferred with the counsel for the government, defense
13 counsel will need additional time to confer with his
14 client, who recently relocated to Southern California,
15 about the case and potential resolutions. Ms. Seeley
16 typically requires an in-person meeting, which will require
17 travel by either defense counsel or Ms. Seeley. Further,
18 defense counsel will be out of the country from November 2,
19 2022, until November 22, 2022, and will not be able to
20 perform substantive work on the case until his return.
21 Defense counsel further requires this additional time to
22 continue preparing for trial, including the preparation of
23 pretrial motions, in the event this matter is not otherwise
24 resolved.

25 b) Counsel for defendant believes that failure to grant
26 the above-requested continuance would deny the defense the
27 reasonable time necessary for effective preparation, taking
28

1 into account the exercise of due diligence.

2 c) The government does not object to the continuance.

3 d) Based on the above-stated findings, the ends of
4 justice served by continuing the case as requested outweigh
5 the interest of the public and the defendant in a trial
6 within the original date prescribed by the Speedy Trial
7 Act.

8 e) For the purpose of computing time under the Speedy
9 Trial Act, 18 U.S.C. § 3161, et seq., within which trial
10 must commence, the time period of October 31, 2022, to
11 January 9, 2023, inclusive, is deemed excludable pursuant
12 to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because
13 it results from a continuance granted by the Court at
14 defendant's request on the basis of the Court's finding
15 that the ends of justice served by taking such action
16 outweigh the best interest of the public and the defendant
17 in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a
19 finding that other provisions of the Speedy Trial Act dictate
20 that additional time periods are excludable from the period
21 within which a trial must commence.

22 IT IS SO STIPULATED.

23 Respectfully Submitted,

24
25 Dated: October 26, 2022

/s/ T. Zindel
TIMOTHY ZINDEL
Attorney for CYNTHIA SEELEY

PHILIP A. TALBERT
United States Attorney


Dated: October 26, 2022 /s/ T. Zindel for Shelley D. Weger
SHELLEY D. WEGER
Assistant U.S. Attorney

O R D E R

The Court adopts the findings set forth above. The status conference is continued to January 9, 2023, at 9:00 a.m. and time is excluded through that date, commencing today, for the reasons and on the basis set forth above.

IT IS SO ORDERED.

Dated: October 27, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE